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SUBJECT: UNSC REFORM: PLENARY DEBATE HIGHLIGHTS
INTRANSIGENCE, FRUSTRATION AMIDST INCREASING PRESSURE FOR
NEGOTIATIONS

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Classified By: Ambassador Alejandro D. Wolff, for reasons 1.4 (b) and (d).

¶1. (U) Summary. During the annual UNGA plenary debate on UNSC reform, held November 12-14, only Germany expressed continued support for the original G-4 (Germany, Japan, Brazil, and India) proposal, while India unilaterally proposed several new elements for expansion and accused the UNSC of multiple Charter violations. Opponents of the G-4, including the UFC, reiterated their support for new non-permanent seats, with the possibility of re-election. The African Group showed no sign of relinquishing its demands for two permanent African seats with veto rights. India, China, France, the UK, and several Uniting for Consensus (UFC) members voiced support for redressing Africa's under-representation on the Council. Within the P-5, France and the U.K. expressed support for the G-4 and increased African representation, while the U.S., China, and Russia were more circumspect. Numerous speakers tried to pressure General Assembly President (PGA) Kerim to determine the mechanisms and elements of intergovernmental negotiations, but Kerim promised only to offer "guidance" to member states. Discussion of the modalities of UNSC reform and expansion likely will take place within in the framework of the Open-Ended Working Group (OEWG). Full texts of all speeches will be posted shortly on the General Assembly's website, at www.un.org/ga. End Summary.

U.S. Intervention

¶2. (U) Ambassador Khalilzad delivered the U.S. statement, which can be found on USUN's website. Amb. Khalilzad noted that although the U.S. continues to support Japan's candidacy for permanent membership and believes other countries should be considered as well, the U.S. has not made any decisions about which other countries might qualify, nor does the U.S. have a specific proposal for expansion. Furthermore, although the U.S. is open to considering various proposals for modest expansion of the Security Council, such expansion must be part of a "meaningful package of reforms in other priority areas."

G-4 Adrift as India Charges Ahead

¶3. (SBU) G-4 members (India, Japan, Germany, and Brazil) did not coordinate their interventions, nor did they express strong support for their proposal. The German PermRep was the sole G-4 member to voice support for the G-4 proposal, but he qualified his support by acknowledging that a vote might be necessary for the proposal's adoption. Japan, Brazil, and India merely called for expansion in both permanent and non-permanent categories.

¶4. (U) Germany and India, along with numerous other Member States, stressed that expansion in both categories of membership should be accompanied by a review mechanism for the new permanent members. Germany expressed a willingness to consider an intermediary approach, as outlined in the co-facilitators' reports from the 61st session. India took the idea of a review mechanism a step further, claiming that "repeated" reviews and the option of a recall would be necessary to hold the new permanent members accountable to the general membership.

¶5. (U) Indian PermRep Sen underlined the G-4's lack of cohesion by departing from the positions of other G-4 members on numerous issues. Speaking extemporaneously, Ambassador Sen quoted extensively from Ambassador Bolton's memoir, claiming that Bolton's criticism of the UNSC proves the need for GA oversight and Council reform. Sen asserted that the UNSC does not have the legal authority to grant international tribunals power, and the thematic debates held by the Council exemplify its encroachment on the GA. Furthermore, the UNSC "demands obedience" under Article 25 (all States agree to carry out the "decisions" of the UNSC), while disregarding

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Article 44 (TCCs should take part in Council decisions related to the use of their troops). He also charged the Council with "violating" Articles 31 and 32 (a Member State that is a party to a dispute being handled by the UNSC "shall participate" in the debate on that issue). According to Sen, the inability of the elected UNSC members to rectify these problems necessitates an increase in permanent members, who would be held accountable to the GA through a review process.

¶6. (C) The Japanese were disturbed by Sen's charge that non-permanent UNSC members have been unable to improve UNSC working methods, as Japan was very active during its chairmanship of the UNSC working group on documentation and other procedural matters. The Brazilians, and very likely the Germans and Japanese, were also caught off-guard by Sen's proposal for a permanent seat for Africa and the inclusion of the recall option. In addition, Sen castigated Egypt and Pakistan, without naming either country, for their "morally suspect" obstruction of UNSC reform. Italy responded directly to Sen's intervention, questioning his claim that new permanent members would be able to "contain" the P-5. Privately, the Indian expert informed USUN that Sen had rewritten the talking points from New Delhi.

UFC Treads Old Ground, Courts Africa

¶7. (U) Members of the UFC, including Italy, Indonesia, Mexico, Colombia, Republic of Korea, Spain, and Pakistan, reaffirmed the well-known UFC position, calling for additional non-permanent seats with the possibility of re-election. Many UFC members also supported the idea of a review mechanism, as described in the intermediary approach outlined by the co-facilitators during the 61st session. Aside from these mainstays of the UFC movement, virtually no other Member State opposed the addition of permanent seats.

¶8. (SBU) The Italian and Pakistani PermReps, in an attempt to garner African support for the UFC, argued that the UFC preference for additional non-permanent seats was not

inconsistent with the African demand for two permanent and two non-permanent seats for Africa. According to the Pakistani PermRep's interpretation, the African reform model calls for two permanent UNSC seats with veto rights for Africa, which would either be allocated permanently to two African Member States or would rotate among the African States, at the discretion of the African Group. Ambassador Spatafora of Italy reaffirmed this interpretation, adding that this model should be used by all regional groups. None of the African Member States responded to this interpretation.

Africa Willing to Be Courted But Stands Firm

¶9. (SBU) Angola, speaking on behalf of the African Group, reaffirmed the Ezulwini Consensus, which calls for two permanent seats and two non-permanent seats for Africa. The fourteen other African Member States participating in the debate aligned themselves with Angola. Only Mauritius positively - and very briefly - referenced the Indian draft resolution L.69, which was circulated in advance of the adoption of the OEWG's report in September 2007 as a bid to insert stronger language in the PGA's report on intergovernmental negotiations.

¶10. (SBU) Egypt underscored the need to remain united when confronted with unilateral submission of draft resolutions by attacking India's "odious attempts...to circumvent the demands stipulated by the Ezulwini Consensus." Egypt condemned draft resolution L.69, as well as another draft resolution, which recently was circulated by India in an effort to pressure the PGA to initiate intergovernmental negotiations. Egypt, perhaps concerned that the G-4 or India would gain the upper hand in intergovernmental negotiations, highlighted the need to continue with consultations within the framework of the OEWG.

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P-5 Retains Earlier Positions

¶11. (U) Members of the P-5 made no significant changes to the positions they outlined during the UN General Debate in September 2007. China repeated its support of increased representation for Africa and made general remarks concerning the need for broad consensus and further consultations. Russia affirmed its readiness to consider any option, including the intermediary approach, if it garners the necessary support. Both Russia and China countered demands for reform of the Council's working methods by claiming that reform would be achieved through full implementation of the decisions made by the Council's working group on documentation.

¶12. (U) France and the UK were virtually united in their positions, supporting permanent membership for the G-4, as well as increased representation for Africa; the UK said explicitly that Africa should be granted permanent representation. Both countries affirmed their openness to an intermediary approach, if it could break the current deadlock. They also called upon the PGA to create a detailed proposal for initiating negotiations.

Criticism of the Security Council by Its Newly-Elected Members

¶13. (U) Four of the Member States recently elected to serve on the UNSC for the 2008-2009 term - Czech Republic, Libya, Vietnam, and Costa Rica - voiced strong opinions on the structure and working methods of the Council. Burkina Faso was also elected but did not participate in the debate.

¶14. (U) Libya was extremely critical of the Council and

stressed the need to examine the "privilege" of veto power and prevent the UNSC's "encroachment on other organs." The Libyan PermRep also condemned the Council's failure to abide by GA resolutions and the P-5's "misuse" of the veto right "at the expense of just causes and rights of oppressed peoples."

¶15. (U) Vietnam, Costa Rica, and the Czech Republic were less vociferous in their criticism, although Vietnam urged the P-5 to limit their use of the veto. Vietnam praised the attempts by Council members to "enhance transparency and accountability of the Council's work and their efforts to provide greater opportunities for all the State Members to understand better the work of the Council." Vietnam also urged Council Members, vice the general membership, to improve the Council's working procedures, while Costa Rica reaffirmed its commitment to the S-5 proposal to improve UNSC working methods. Costa Rica vowed to speak on behalf of those member states not represented on the Council and promised to never forget that "while we are only temporarily a non-permanent UNSC member, we are a permanent member of the GA." The Czech Republic merely stressed the need to improve the Council's working methods and ensure active involvement by all Member States in the work of the Council.

The Way Forward: Roles for the PGA,
the OEWG, and Working Methods Reform

¶17. (U) The vast majority of speakers called upon the PGA to guide the process of negotiations and determine the way forward. Although most of these appeals were perfunctory, several delegations, including France, the UK, all G-4 members and most UFC members, requested that the PGA determine the modalities and format of negotiations; India even suggested that the PGA draw up the specific elements of a reform package for negotiation. On the other hand, both Spain and Egypt underlined the need for a Member State-driven process, with a limited role for the PGA.

¶18. (SBU) The G-4 and the UFC were more polarized on the usefulness of the OEWG. Brazil and Germany claimed that the OEWG had reached the limits of its usefulness, and a new

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forum for negotiations must be established. Japan suggested that the PGA should develop "an appropriate forum" for future negotiations. China, all UFC members, and most African Group members were unanimous in their support of the work of the OEWG and stressed that all future negotiations must take place within this framework.

¶19. (U) India, Germany, Japan, and numerous UFC members underlined the need to reform the Council's working methods, perhaps in a bid to bolster support from smaller member states in the run-up to intergovernmental negotiations. With the exception of Jordan, all S-5 co-sponsors (Costa Rica, Liechtenstein, Switzerland, and Singapore), reaffirmed their commitment to achieving reform of working methods, as outlined in their draft resolution. Canada made the strongest argument for a renewed commitment to working methods reform. The Canadian PR called on the S-5 co-sponsors to hold consultations on their draft resolution and told Member States that progress on working methods should not be thwarted by an inability to agree on UNSC enlargement. China and Russia countered these calls for working methods reform by praising the work of the SC working group on documentation.

PGA Intervention

¶20. (U) The President of the General Assembly spoke last, commenting on the speeches heard during the debate. After noting that numerous delegations had criticized the lack of substantive and analytical content in the annual Report of

the Security Council, Kerim affirmed the need to reform the Security Council and revitalize the General Assembly. According to Kerim, the "pillars for negotiation" of Security Council reform are sevenfold:

- ¶1. UNSC reform must go hand-in-hand with reform of the greater UN system.
 - ¶2. Guidance by the PGA must be accompanied by the mutual respect and cooperation of Member States.
 - ¶3. Ideas for the elements of negotiations must be determined through a transparent process.
 - ¶4. Negotiations on the modalities for reform must be carried out within the OEWG.
 - ¶5. Negotiations on the way forward should include discussion on the composition of UNSC membership and reform of its working methods.
 - ¶6. UNSC reform must take into account the concerns of all sides, especially those groups who are under-represented on the Council.
 - ¶7. Member States must refrain from unilateral initiatives that threaten to undermine progress.
- These concluding remarks echoed the sentiment expressed in his opening speech, that Member States "should have primary ownership and responsibility" over the process of "developing a framework, in order to begin intergovernmental negotiations, by identifying and reaching agreement on the various negotiable elements." Kerim ended the debate by promising to share his outline of the follow-up process with Member States soon.

Comment

¶21. (U) Three main themes emerged from this year's UNGA debate on Security Council reform: an obvious decline in G-4 solidarity, competition between G-4 and UFC members for African and small island support, and widespread calls for greater involvement by the PGA in the upcoming inter-governmental negotiations on UNSC reform. Indian PR Sen's extemporaneous intervention also made news, as he was willing to directly attack the Council he wishes to join as well as blindside his G-4 colleagues by supporting a permanent seat for Africa in an attempt to court African support for Council expansion. The Africans, however, failed to take the bait from either the UFC or G-4, and largely stood firm on their insistence on two permanent seats for Africa as well as two additional non-permanent seats. Although Kerim was at least able to chart a preliminary way ahead for the upcoming negotiations - including a helpful

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focus on reform of the entire UN system, not just the Security Council - it is clear that his diplomacy will be severely tested in the months ahead.
Khalilzad